



## PERMANENT ADMINISTRATIVE ORDER

### PSRB 2-2025 CHAPTER 859 PSYCHIATRIC SECURITY REVIEW BOARD

**FILED**

07/31/2025 12:34 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Amending jurisdictional criteria and removing reference to SHRP.\

EFFECTIVE DATE: 07/31/2025

AGENCY APPROVED DATE: 07/30/2025

CONTACT: Alison Bort  
503-229-5596  
alison.bort@psrb.oregon.gov

6400 SE Lake Road  
Suite 375  
Portland, OR 97222

Filed By:  
Alison Bort  
Rules Coordinator

AMEND: 859-030-0010

REPEAL: Temporary 859-030-0010 from PSRB 1-2025

RULE TITLE: Jurisdiction of Persons under the PSRB/Length of Jurisdiction

NOTICE FILED DATE: 04/27/2025

RULE SUMMARY: This rule removes language no longer relevant since the sunset of the State Hospital Review Panel. This rule clarifies criteria the Board applies to maintain jurisdiction over clients adjudicated guilty except for insanity. This rule applies *State v. Meiser*, 372 Or 438, 440 (2024).

#### RULE TEXT:

- (1) In accordance with ORS 161.325, the Board will take jurisdiction over persons adjudged by the court to be guilty except for insanity and who present a substantial danger to others.
- (2) The period of jurisdiction of under the Board will be that sentence ordered by the court that places the person under PSRB jurisdiction.
- (3) The Board will maintain jurisdiction over persons who are legally placed under its jurisdiction by any court of the State of Oregon and who continue to meet the following jurisdictional criteria:
  - (a) The person is affected by a qualifying mental disorder, which may include one that is not currently active, but with reasonable medical probability, may occasionally become active.
  - (b) The person's qualifying mental disorder, when active, renders them a substantial danger to others.
    - (A) A qualifying mental disorder may be the sole factor that renders a person a substantial danger to others; or
    - (B) A qualifying mental disorder may combine with another condition to render the person a substantial danger to others and need not be sufficient on its own to render the person a substantial danger to others.
- (4) Judgment orders placing individuals under Board jurisdiction must:
  - (a) Indicate whether the court finds the individual is a proper subject for conditional release, and if so, that the procedures outlined in OAR 859-070-0005 and ORS 161.327 have been completed.
  - (b) Identify the length of Board jurisdiction over the individual;
  - (c) Any supervisory or other special orders the court delivered with its judgment.
- (5) If the court's order is unclear or is missing information required by ORS 161.325 or ORS 161.327, the Board may seek clarification on the matter from the court.

(6) The Board will not retain jurisdiction over persons if the court order places the person under the Board only because of a judgment of guilty except for insanity for a probation violation. In order for the Board to retain jurisdiction, the person must be placed under the Board's jurisdiction for the initial offense.

(7) The Board's Adult Panel will accept jurisdiction of remanded youth who are found Guilty Except for Insanity (GEI) in adult court and placed under the Board's Adult Panel Jurisdiction. For rules regarding adjudicated youth who are found Responsible Except for Insanity (REI) in juvenile court and placed under the Board's Juvenile Panel, see OAR 859, Divisions 501 through 600.

(8) Upon receipt of the judgment order placing individuals under Board jurisdiction the individual shall have their end of jurisdiction date calculated by Board staff within 30 days of receipt of the judgment order.

(a) Board staff shall apply any credit for time served that is indicated in the judgment order.

(b) If the judgment order states that credit for time served shall be applied but does not indicate the amount, Board staff shall apply credit for time served for:

(A) Time spent in any correctional facility or jail for the offense or conduct for which the person was placed under the Board's jurisdiction, verified by a law enforcement agency; and

(B) Time spent in custody of the Oregon Health Authority at a state mental hospital or on a mental health hold at a secure facility.

STATUTORY/OTHER AUTHORITY: ORS 161.387

STATUTES/OTHER IMPLEMENTED: ORS 161.387, ORS 161.325 - ORS 161.351